



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,767	02/09/2005	Josef Laumen	112740-1048	2866
29177	7590	11/27/2007		
BELL, BOYD & LLOYD, LLP			EXAMINER	
P.O. BOX 1135			PATEL, ASHOKKUMAR B	
CHICAGO, IL 60690				
			ART UNIT	PAPER NUMBER
			2154	
			MAIL DATE	DELIVERY MODE
			11/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,767

Applicant(s)

LAUMEN ET AL.

Examiner

Ashok B. Patel

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/18/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-38 are subject to examination. Claims 1-20 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 21-38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-38 are rejected under 35 U.S.C. 103(a) as being Unpatentable over "XP-002225281 - "3GPP TS 23.140 V5.3.0; 3r" Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS): Functional description Stage 2 (Release 5) June 2002, pages 1-156 "(hereinafter 3GPP) in view of Jain et al. (hereinafter Jain) (US 6, 282, 274 B1)

Referring to claim 1,

3GPP teaches method for transmitting multi-media messages in a mobile radio system, the method comprising:

transmitting a multi-media message from a terminal of a first user agent to a first message service provider having different network elements; and evaluating the sent multi-media message, after arrival at the first message service provider, by a switching node at the first message service provider; and wherein the switching node determines,

Art Unit: 2154

the network element within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.

(page 129,

Annex E (informative): Use cases for Reply-Charging

The following detailed example use case of reply-charging describes the case when MMS User Agent A and MMS User Agent B belong to the same MMSE. MMS User Agent A is the sender of the reply-charged MM and MMS User Agent B is the recipient of the reply-charged MM.



Figure E.1: Message flow in case of reply-charging

1. User A produces an MM and marks it "reply-charged" before it is submitted to the MMS Relay/Server. The MMS Relay/Server notes that user A is willing to pay for a reply-MM to this particular MM and notes the message identification of the original MM and the originator's limitations.
2. The MM is retrieved by user B in accordance to the user profile of user B. This might imply charges for user B when retrieving the MM. User B retrieves the original MM and discovers that the first reply to this message (that is accepted by the Service Provider) will be paid by user A.
3. User B creates an answer; the MMS User Agent B marks it as a reply-MM and submits it on to the MMS Relay/Server. The MMS Relay/Server identifies this MM as a reply to the original MM and checks the originator's limitations. If the MMS Relay/Server accepts the reply the reference set before (as described in transaction 1) is deleted. User A is billed for transaction 3.
4. User A retrieves the reply-MM and eventually is billed for transaction 4.

The other use case of reply-charging where MMS User Agent A and MMS User Agent B belong to different MMS Service Providers is for future elaboration.

The use case of reply-charging where the originator MMS User Agent is actually the MMS VAS Application (using MM7 reference point) behaves in the same way as the use case of two MMS User Agents in the same MMSE.

Note: VAS application is using MM& reference appoint. Also refer to para. 6.9. and 7.1.10, 8.4.5-8.4.5.2)

3GGP fails to teach wherein the switching node determines, as a function of a header field, the network element supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.

Jain teaches at col. 6, line 45-col.7, line 27, "Method 1: FIG. 3A illustrates an exemplary call flow 300 which may be performed by the structure of FIGS. 2A and 2B using a first method. A call is originated via the handset 230', which may be modified to include software which prompts the user for a billing preference designator. The handset 230' or 230") appends a billing preference designator to the call set up message. This designator may be one or more bits in the message header or other identifier in the message. (A preferred user interface for billing preference designation is described below.)

The message is forwarded to a central office (originating) switch 218 (line 302). The call set up message is received at the central office switch either via a wireless connection, as seen in FIG. 2A, or via a wireline connection, as seen in FIG. 2B. The originating switch 218 receives the message and determines that the message originated from a PCS subscriber, non-geographic telephone number, or other Personal Billing Selection subscriber. For example, if the user is calling from a phone with a fixed access line, the originating switch uses the number associated with the access line to determine the caller. The originating switch 218 parses the call set up message into its components. The origination switch 218 may be modified to look at particular bits in the header for a billing preference designator. The presence of a billing preference

Art Unit: 2154

designator or the calling number in the setup message instructs the switch to query the subscriber's user profile to obtain service account information (line 304). This query may be directed to the SCP 205 via the signaling network 215. The SCP 205 retrieves the service account information. If the service account is located in an HLR 206, the SCP 205 determines the appropriate HLR for the subscriber and retrieves the service account information from the HLR (line 306). The SCP 205 returns the service account information to the originating central office switch 218 (line 308), and the call may then proceed in the usual manner.

The central office switch is also adapted to receive the service account information and maintain the billing preference designator so that network usage allocations can be directed to the service accounts corresponding to the billing preference designator. Network usage and other information pertinent to the call are associated with the designated service account. After the call is complete, the service account information for that call is forwarded to an appropriate network usage allocation database, such as the SCP or HLR (lines 310, 312) or a Revenue Accounting Office (RAO). Subscriber network usage allocation information is then aggregated by service account and the subscriber may receive a statement with usage allocation separated according to service accounts."(wherein the switching node determines, as a function of a header field, the network element supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.)

Moreover, Jain teaches at col. 12, line 1-16, "The above described embodiments of the invention are intended to be illustrative only. Numerous alternative embodiments may be devised by those skilled in the art without departing from the spirit and scope of the following claims. For example, this invention has been described with reference to a PCS communication system. A person skilled in the art readily recognizes that the invention may be adapted for use with other communications systems. Moreover, the invention has been described with reference to voice communication and telephone numbers, but may equally be adapted for use with other types of communications, such as e-mail, multimedia, paging, etc. using Internet addresses or other communications addresses. A person skilled in the art also readily recognizes that the invention may be used for any allocation of network usage and not only for billing."

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of 3GGP and Jain in front of him at the time of invention was made, to incorporate the readily available system of Jain into the MMS relay/server such that the multi-media message of first user agent be incorporated with the header of indicating that the switching node determines, as a function of a header field, the network element supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.

Referring to claim 22,

3GGP teaches at page 22, Fig. 3, through method for transmitting multi-media messages as claimed in Claim 21, the method further comprising: transmitting the multi-

media message from the first message service provider to a second message service provider; and evaluating the multi-media message at the second message service provider; wherein the multi-media message contains at least of the first message service provider which was involved in processing the multi-media message (page 24, para.6.6).

3GGP fails to teach "a first header field featuring a reference to at least one of the network elements at least of the first message service provider which was involved in processing the multi-media message.

Jain teaches at col. 6, line 45-col.7, line 27, "Method 1: FIG. 3A illustrates an exemplary call flow 300 which may be performed by the structure of FIGS. 2A and 2B using a first method. A call is originated via the handset 230', which may be modified to include software which prompts the user for a billing preference designator. The handset 230' or 230") appends a billing preference designator to the call set up message. This designator may be one or more bits in the message header or other identifier in the message. (A preferred user interface for billing preference designation is described below.)

The message is forwarded to a central office (originating) switch 218 (line 302). The call set up message is received at the central office switch either via a wireless connection, as seen in FIG. 2A, or via a wireline connection, as seen in FIG. 2B. The originating switch 218 receives the message and determines that the message originated from a PCS subscriber, non-geographic telephone number, or other Personal Billing Selection subscriber. For example, if the user is calling from a phone with a fixed

Art Unit: 2154

access line, the originating switch uses the number associated with the access line to determine the caller. The originating switch 218 parses the call set up message into its components. The origination switch 218 may be modified to look at particular bits in the header for a billing preference designator. The presence of a billing preference designator or the calling number in the setup message instructs the switch to query the subscriber's user profile to obtain service account information (line 304). This query may be directed to the SCP 205 via the signaling network 215. The SCP 205 retrieves the service account information. If the service account is located in an HLR 206, the SCP 205 determines the appropriate HLR for the subscriber and retrieves the service account information from the HLR (line 306). The SCP 205 returns the service account information to the originating central office switch 218 (line 308), and the call may then proceed in the usual manner.

The central office switch is also adapted to receive the service account information and maintain the billing preference designator so that network usage allocations can be directed to the service accounts corresponding to the billing preference designator. Network usage and other information pertinent to the call are associated with the designated service account. After the call is complete, the service account information for that call is forwarded to an appropriate network usage allocation database, such as the SCP or HLR (lines 310, 312) or a Revenue Accounting Office (RAO). Subscriber network usage allocation information is then aggregated by service account and the subscriber may receive a statement with usage allocation separated according to service accounts."(a first header field featuring a reference to at least one

of the network elements at least of the first message service provider which was involved in processing the multi-media message.)

Moreover, Jain teaches at col. 12, line 1-16, "The above described embodiments of the invention are intended to be illustrative only. Numerous alternative embodiments may be devised by those skilled in the art without departing from the spirit and scope of the following claims. For example, this invention has been described with reference to a PCS communication system. A person skilled in the art readily recognizes that the invention may be adapted for use with other communications systems. Moreover, the invention has been described with reference to voice communication and telephone numbers, but may equally be adapted for use with other types of communications, such as e-mail, **multimedia**, paging, etc. using Internet addresses or other communications addresses. A person skilled in the art also readily recognizes that the invention may be used for any allocation of network usage and not only for billing."

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of 3GGP and Jain in front of him at the time of invention was made, to incorporate the readily available system of Jain into the MMS relay/server such that the multi-media message of first user agent be incorporated with the header of indicating that the switching node determines, as a function of a header field, the network element supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.

Referring to claim 23,

3GGP teaches a method for transmitting multi-media messages as claimed in Claim 22, the method further comprising transmitting the multi-media message from the second message service provider to a network element outside a service environment, wherein the multi-media message contains at least a second header field featuring a reference to at least one network element of the second message service provider which was involved in processing the multi-media message. (page 49, para. 8.1.4.4, "message Distribution Indicator")

Referring to claim 24,

3GGP teaches a method for transmitting multi-media messages as claimed in Claim 23, wherein the multi-media message, upon transmission from the second message service provider to the network element outside a service environment, contains a reference to at least one of the network elements of the first message service provider which was involved in processing the multi-media message. (page 49, para. 8.1.4.4, "message Distribution Indicator")

3GGP fails to teach the first header field featuring a reference to at least one of the network elements of the first message service provider which was involved in processing the multi-media message

Jain teaches at col. 6, line 45-col.7, line 27, "Method 1: FIG. 3A illustrates an exemplary call flow 300 which may be performed by the structure of FIGS. 2A and 2B using a first method. A call is originated via the handset 230', which may be modified to include software which prompts the user for a billing preference designator. The handset 230' or 230") appends a billing preference designator to the call set up

Art Unit: 2154

message. This designator may be one or more bits in the message header or other identifier in the message. (A preferred user interface for billing preference designation is described below.)

The message is forwarded to a central office (originating) switch 218 (line 302). The call set up message is received at the central office switch either via a wireless connection, as seen in FIG. 2A, or via a wireline connection, as seen in FIG. 2B. The originating switch 218 receives the message and determines that the message originated from a PCS subscriber, non-geographic telephone number, or other Personal Billing Selection subscriber. For example, if the user is calling from a phone with a fixed access line, the originating switch uses the number associated with the access line to determine the caller. The originating switch 218 parses the call set up message into its components. The origination switch 218 may be modified to look at particular bits in the header for a billing preference designator. The presence of a billing preference designator or the calling number in the setup message instructs the switch to query the subscriber's user profile to obtain service account information (line 304). This query may be directed to the SCP 205 via the signaling network 215. The SCP 205 retrieves the service account information. If the service account is located in an HLR 206, the SCP 205 determines the appropriate HLR for the subscriber and retrieves the service account information from the HLR (line 306). The SCP 205 returns the service account information to the originating central office switch 218 (line 308), and the call may then proceed in the usual manner.

The central office switch is also adapted to receive the service account information and maintain the billing preference designator so that network usage allocations can be directed to the service accounts corresponding to the billing preference designator. Network usage and other information pertinent to the call are associated with the designated service account. After the call is complete, the service account information for that call is forwarded to an appropriate network usage allocation database, such as the SCP or HLR (lines 310, 312) or a Revenue Accounting Office (RAO). Subscriber network usage allocation information is then aggregated by service account and the subscriber may receive a statement with usage allocation separated according to service accounts." (the first header field featuring a reference to at least one of the network elements of the first message service provider which was involved in processing the multi-media message.)

Moreover, Jain teaches at col. 12, line 1-16, "The above described embodiments of the invention are intended to be illustrative only. Numerous alternative embodiments may be devised by those skilled in the art without departing from the spirit and scope of the following claims. For example, this invention has been described with reference to a PCS communication system. A person skilled in the art readily recognizes that the invention may be adapted for use with other communications systems. Moreover, the invention has been described with reference to voice communication and telephone numbers, but may equally be adapted for use with other types of communications, such as e-mail, multimedia, paging, etc. using Internet addresses or other communications

Art Unit: 2154

addresses. A person skilled in the art also readily recognizes that the invention may be used for any allocation of network usage and not only for billing."

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of 3GGP and Jain in front of him at the time of invention was made, to incorporate the readily available system of Jain into the MMS relay/server such that the multi-media message of first user agent be incorporated with the header of indicating that the switching node determines, as a function of a header field, the network element supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.

Referring to claim 25,

3GGP teaches a method for transmitting multi-media messages as claimed in Claim 24, the method further comprising transmitting the multi-media message from the network element outside the service environment back via the second message service provider to the first message service provider (Para. 7.1, pages 25-44)

3GGP fails to teach with at least one of the referenced set from the first header field and the reference set from the second header field being resolved in each return transmission step.

Jain teaches at col. 6, line 45-col.7, line 27, "Method 1: FIG. 3A illustrates an exemplary call flow 300 which may be performed by the structure of FIGS. 2A and 2B using a first method. A call is originated via the handset 230', which may be modified to include software which prompts the user for a billing preference designator. The

handset 230' or 230") appends a billing preference designator to the call set up message. This designator may be one or more bits in the message header or other identifier in the message. (A preferred user interface for billing preference designation is described below.)

The message is forwarded to a central office (originating) switch 218 (line 302). The call set up message is received at the central office switch either via a wireless connection, as seen in FIG. 2A, or via a wireline connection, as seen in FIG. 2B. The originating switch 218 receives the message and determines that the message originated from a PCS subscriber, non-geographic telephone number, or other Personal Billing Selection subscriber. For example, if the user is calling from a phone with a fixed access line, the originating switch uses the number associated with the access line to determine the caller. The originating switch 218 parses the call set up message into its components. The origination switch 218 may be modified to look at particular bits in the header for a billing preference designator. The presence of a billing preference designator or the calling number in the setup message instructs the switch to query the subscriber's user profile to obtain service account information (line 304). This query may be directed to the SCP 205 via the signaling network 215. The SCP 205 retrieves the service account information. If the service account is located in an HLR 206, the SCP 205 determines the appropriate HLR for the subscriber and retrieves the service account information from the HLR (line 306). The SCP 205 returns the service account information to the originating central office switch 218 (line 308), and the call may then proceed in the usual manner.

The central office switch is also adapted to receive the service account information and maintain the billing preference designator so that network usage allocations can be directed to the service accounts corresponding to the billing preference designator. Network usage and other information pertinent to the call are associated with the designated service account. After the call is complete, the service account information for that call is forwarded to an appropriate network usage allocation database, such as the SCP or HLR (lines 310, 312) or a Revenue Accounting Office (RAO). Subscriber network usage allocation information is then aggregated by service account and the subscriber may receive a statement with usage allocation separated according to service accounts.”(with at least one of the referenced set from the first header field and the reference set from the second header field being resolved in each return transmission step.)

Moreover, Jain teaches at col. 12, line 1-16, “The above described embodiments of the invention are intended to be illustrative only. Numerous alternative embodiments may be devised by those skilled in the art without departing from the spirit and scope of the following claims. For example, this invention has been described with reference to a PCS communication system. A person skilled in the art readily recognizes that the invention may be adapted for use with other communications systems. Moreover, the invention has been described with reference to voice communication and telephone numbers, but may equally be adapted for use with other types of communications, such as e-mail, multimedia, paging, etc. using Internet addresses or other communications

addresses. A person skilled in the art also readily recognizes that the invention may be used for any allocation of network usage and not only for billing."

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of 3GGP and Jain in front of him at the time of invention was made, to incorporate the readily available system of Jain into the MMS relay/server such that the multi-media message of first user agent be incorporated with the header of indicating that the switching node determines, as a function of a header field, the network element supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.

Referring to claim 26,

Keeping in mind the teachings of 3GGP, 3GGP fails to teach the method for transmitting multi-media messages as claimed in Claim 25, wherein the reference specifies a return path.

Jain teaches at col. 6, line 45-col.7, line 27, "Method 1: FIG. 3A illustrates an exemplary call flow 300 which may be performed by the structure of FIGS. 2A and 2B using a first method. A call is originated via the handset 230', which may be modified to include software which prompts the user for a billing preference designator. The handset 230' or 230") appends a billing preference designator to the call set up message. This designator may be one or more bits in the message header or other identifier in the message. (A preferred user interface for billing preference designation is described below.)

The message is forwarded to a central office (originating) switch 218 (line 302). The call set up message is received at the central office switch either via a wireless connection, as seen in FIG. 2A, or via a wireline connection, as seen in FIG. 2B. The originating switch 218 receives the message and determines that the message originated from a PCS subscriber, non-geographic telephone number, or other Personal Billing Selection subscriber. For example, if the user is calling from a phone with a fixed access line, the originating switch uses the number associated with the access line to determine the caller. The originating switch 218 parses the call set up message into its components. The origination switch 218 may be modified to look at particular bits in the header for a billing preference designator. The presence of a billing preference designator or the calling number in the setup message instructs the switch to query the subscriber's user profile to obtain service account information (line 304). This query may be directed to the SCP 205 via the signaling network 215. The SCP 205 retrieves the service account information. If the service account is located in an HLR 206, the SCP 205 determines the appropriate HLR for the subscriber and retrieves the service account information from the HLR (line 306). The SCP 205 returns the service account information to the originating central office switch 218 (line 308), and the call may then proceed in the usual manner.

The central office switch is also adapted to receive the service account information and maintain the billing preference designator so that network usage allocations can be directed to the service accounts corresponding to the billing preference designator. Network usage and other information pertinent to the call are

associated with the designated service account. After the call is complete, the service account information for that call is forwarded to an appropriate network usage allocation database, such as the SCP or HLR (lines 310, 312) or a Revenue Accounting Office (RAO). Subscriber network usage allocation information is then aggregated by service account and the subscriber may receive a statement with usage allocation separated according to service accounts.”(wherein the reference specifies a return path.)

Moreover, Jain teaches at col. 12, line 1-16, “The above described embodiments of the invention are intended to be illustrative only. Numerous alternative embodiments may be devised by those skilled in the art without departing from the spirit and scope of the following claims. For example, this invention has been described with reference to a PCS communication system. A person skilled in the art readily recognizes that the invention may be adapted for use with other communications systems. Moreover, the invention has been described with reference to voice communication and telephone numbers, but may equally be adapted for use with other types of communications, such as e-mail, multimedia, paging, etc. using Internet addresses or other communications addresses. A person skilled in the art also readily recognizes that the invention may be used for any allocation of network usage and not only for billing.”

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of 3GGP and Jain in front of him at the time of invention was made, to incorporate the readily available system of Jain into the MMS relay/server such that the multi-media message of first user agent be incorporated with the header of indicating that the switching node determines, as a function of a header field, the network element

supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.

Referring to claim 27,

Keeping in mind the teachings of 3GGP, 3GGP fails to teach the A method for transmitting multi-media messages as claimed in Claim 21, wherein a functionality of the message is evident from at least one header field.

Jain teaches at col. 6, line 45-col.7, line 27, "Method 1: FIG. 3A illustrates an exemplary call flow 300 which may be performed by the structure of FIGS. 2A and 2B using a first method. A call is originated via the handset 230', which may be modified to include software which prompts the user for a billing preference designator. The handset 230' or 230") appends a billing preference designator to the call set up message. This designator may be one or more bits in the message header or other identifier in the message. (A preferred user interface for billing preference designation is described below.)

The message is forwarded to a central office (originating) switch 218 (line 302). The call set up message is received at the central office switch either via a wireless connection, as seen in FIG. 2A, or via a wireline connection, as seen in FIG. 2B. The originating switch 218 receives the message and determines that the message originated from a PCS subscriber, non-geographic telephone number, or other Personal Billing Selection subscriber. For example, if the user is calling from a phone with a fixed access line, the originating switch uses the number associated with the access line to

Art Unit: 2154

determine the caller. The originating switch 218 parses the call set up message into its components. The origination switch 218 may be modified to look at particular bits in the header for a billing preference designator. The presence of a billing preference designator or the calling number in the setup message instructs the switch to query the subscriber's user profile to obtain service account information (line 304). This query may be directed to the SCP 205 via the signaling network 215. The SCP 205 retrieves the service account information. If the service account is located in an HLR 206, the SCP 205 determines the appropriate HLR for the subscriber and retrieves the service account information from the HLR (line 306). The SCP 205 returns the service account information to the originating central office switch 218 (line 308), and the call may then proceed in the usual manner.

The central office switch is also adapted to receive the service account information and maintain the billing preference designator so that network usage allocations can be directed to the service accounts corresponding to the billing preference designator. Network usage and other information pertinent to the call are associated with the designated service account. After the call is complete, the service account information for that call is forwarded to an appropriate network usage allocation database, such as the SCP or HLR (lines 310, 312) or a Revenue Accounting Office (RAO). Subscriber network usage allocation information is then aggregated by service account and the subscriber may receive a statement with usage allocation separated according to service accounts."(a functionality of the message is evident from at least one header field.)

Moreover, Jain teaches at col. 12, line 1-16, "The above described embodiments of the invention are intended to be illustrative only. Numerous alternative embodiments may be devised by those skilled in the art without departing from the spirit and scope of the following claims. For example, this invention has been described with reference to a PCS communication system. A person skilled in the art readily recognizes that the invention may be adapted for use with other communications systems. Moreover, the invention has been described with reference to voice communication and telephone numbers, but may equally be adapted for use with other types of communications, such as e-mail, **multimedia**, paging, etc. using Internet addresses or other communications addresses. A person skilled in the art also readily recognizes that the invention may be used for any allocation of network usage and not only for billing."

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of 3GGP and Jain in front of him at the time of invention was made, to incorporate the readily available system of Jain into the MMS relay/server such that the multi-media message of first user agent be incorporated with the header of indicating that the switching node determines, as a function of a header field, the network element supporting functionalities associated with the multi-media message within an area of responsibility of the first message service provider to which the multi-media message will be forwarded.

Referring to claim 28,

3GPP teaches method for transmitting multi-media messages as claimed in Claim 21, wherein the switching node is embodied as a self-contained network element. (Fig.3, element MMS Relay/Server)

Referring to claim 29,

3GPP teaches method for transmitting multi-media messages as claimed in Claim 21, wherein the switching node is integrated into a relay. (Fig.3, element MMS Relay/Server)

Referring to claim 30,

Claim 30 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 21. Therefore claim 30 is rejected for the reasons set forth for claim 21.

Referring to claim 31,

Claim 31 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 22. Therefore claim 31 is rejected for the reasons set forth for claim 22.

Referring to claim 32,

Claim 32 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 23. Therefore claim 32 is rejected for the reasons set forth for claim 23.

Referring to claim 33,

Claim 33 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 24. Therefore claim 33 is rejected for the reasons set forth for claim 24.

Referring to claim 34,

Claim 34 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 25. Therefore claim 34 is rejected for the reasons set forth for claim 25.

Referring to claim 35,

Claim 35 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 26. Therefore claim 35 is rejected for the reasons set forth for claim 26.

Referring to claim 36,

Claim 36 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 27. Therefore claim 36 is rejected for the reasons set forth for claim 27.

Referring to claim 37,

Claim 37 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 28. Therefore claim 37 is rejected for the reasons set forth for claim 28.

Referring to claim 38,

Claim 38 is a claim to a system for transmitting multi-media messages in a mobile radio system in accordance with the method of claim 29. Therefore claim 38 is rejected for the reasons set forth for claim 29.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 6:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan A. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Ashok B. Patel', is written over a horizontal line.

Ashok B. Patel
Examiner
Art Unit 2154